

### **REMARKS/ARGUMENTS**

In this amendment, claims 1 and 17 are amended. Support can be found in Fig. 4 and its relevant descriptions in paragraph [0031], as well as original claims 5 and 20. No new matter is introduced. In addition, claims 5 and 20 are cancelled without prejudice.

#### ***Claim Rejections – 35 USC § 102***

In the Office Action, the Examiner rejected claims 1-21 under 25 USC 102(e) as anticipated by Kadambi (U.S. Patent Application Publication No. 20050232274). The Applicant respectfully disagrees for at least the following reason.

Kadambi fails to teach or suggest features of original claims 5 and 20, now incorporated into claims 1 and 17, that a second data packet flow having the least data packet amount at a certain time point among said plurality of data packets and assigned to said first data channel is optionally transferred. In other words, according to the present invention, a data packet flow qualified to be transferred is first determined (the one having the least data packet amount), and whether the qualified data packet flow is to be actually transferred or not is then determined (according to a total packet amount). On the contrary, according to Kadambi's paragraph [0007] which is cited against original claim 5 and 20 by the Examiner, it is only determined whether a second frame (no other candidates) is to be transferred or not. Furthermore, there is no clear description in Kadambi's paragraph [0007] showing how the flow rate is compared with a predetermined flow rate threshold, but according to claim 3, flow rates of the first frame and the second frame are respectively determined and respectively compared with the predetermined flow rate threshold, other than combined to determine whether link switching is to be performed.

In view of the foregoing, Applicant respectfully submits that currently pending claims 1-4, 6-19 and 21 are not anticipated by the Kadambi publication and requests allowance of the pending claims.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

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Amdt. dated December 7, 2007  
Reply to Office Action of August 8, 2007

Respectfully submitted,

/Evan R. Witt/

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The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-0843.
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